

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

| | |
|--|--|
| AIRTOURIST HOLDINGS, LLC, JASON CHEN, and EDGAR PARK, Petitioners, -against- CITIBANK, N.A., Respondent. | Civil Action No. 1:21-cv-07875-AKH-BCM ORDER |
|--|--|

ALVIN K. HELLERSTEIN, U.S.D.J.

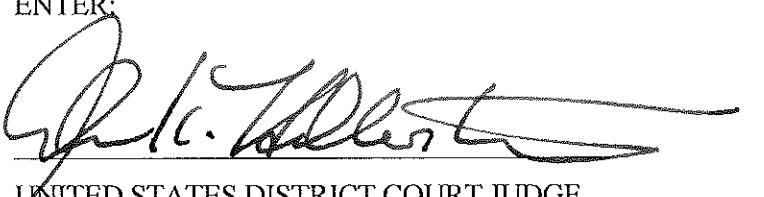
1. **WHEREAS** AirTourist Holdings, LLC (“AirTourist”), Jason Chen (“Chen”), and Edgar Park (“Park” and collectively “Petitioners”) obtained an arbitral award against Charles Mobus (“Mobus”), HNA Group (“HNA”); HNA Group (International) Co., Ltd. (“HNA International”); HNA Capital Ltd. (“HNA Capital”); Wang Jian (“Jian”); Tan Xiangdong (“Xiangdong”); Shi Lei (“Lei”); and Li Ming Bi (“Bi” and collectively “Debtors”) on January 18, 2021; and
2. **WHEREAS** Petitioners obtained a Judgment against Debtors on June 1, 2021 in the Northern District of California, Case No. 4:17-cv-04989-JSW (the “California Action”); and
3. **WHEREAS** the Judgment was subsequently revised twice, the last of which was entered on July 27, 2021 (the “Judgment” – California Action, ECF No. 109); and
4. **WHEREAS** on or about August 25, 2021 Petitioners issued a restraining notice and information subpoena to Citibank, N.A. (“Citibank”) requesting it freeze assets in its possession, custody, or control related to Mobus (“Restraining Notice”; ECF No. 1-3); and
5. **WHEREAS** on or about August 27, 2021 Citibank responded to Petitioners’ Restraining Notice that it had identified, and did in fact freeze assets related to Mobus in its possession, custody or control totaling \$60,318.11, which included funds frozen from an IRA account (ECF No. 1-4); and
6. **WHEREAS** Petitioners filed a Turnover Petition against Citibank in this Court on September 21, 2021, which was amended on September 22, 2021 (“Petition” – ECF No. 3); and

7. **WHEREAS** on or about October 7, 2021, Citibank provided Petitioners with an Amended Response instead of filing a formal Answer, in which it identified non-exempt funds in its possession, custody, and control related to Mobus which it had frozen (“Response”); and
8. **WHEREAS** on November 8, 2021 Petitioners filed a proposed Order to Show Cause, Declaration of David A. Yearwood with supporting exhibits, and memorandum in support (collectively, “OSC Filing”) arguing that Citibank should immediately turn over to Petitioners all non-exempt funds in its possession, custody, or control related to Mobus as identified in Citibank’s Response (ECF Nos. 9, 10); and
9. **WHEREAS** this Court issued an Order to Show Cause setting a due date for opposition papers to Petitioners’ OSC Filing for November 15, 2021, reply papers in further support of Petitioner’s OSC Filing for November 16, 2021, and a hearing date for November 17, 2021 (ECF No. 12); and
10. **WHEREAS** Petitioners served both Citibank and Mobus with copies of the OSC Filing (ECF Nos. 13, 14); and
11. **WHEREAS** Mobus filed the declaration of Charles Mobus and brief in opposition to the OSC Filing on November 15, 2021 (ECF Nos. 15, 16), Petitioners filed a reply brief in further support of their OSC Filing (ECF Nos. 17), and Citibank never opposed the OSC Filing; and
12. **WHEREAS** this Court held a hearing on November 17, 2021 at which Citibank did not attend but counsel for Petitioners and Mobus attended (“Hearing”); and
13. **WHEREAS** at the Hearing this Court ordered Citibank to immediately turn over to Petitioners any and all non-exempt funds in its possession, custody or control related to Mobus; and
14. **WHEREAS** this Court directed Petitioners to prepare an Order for this Court’s signature compelling Citibank to immediately turn over to Petitioners all non-exempt funds related to Mobus;
15. **IT IS HEREBY ORDERED** that Citibank immediately turn over to ARENT FOX LLP, counsel PETITIONERS, all non-exempt funds related to Mobus. For purposes of clarity,

non-exempt funds specifically excludes funds in an IRA, 401(k), or other retirement account into which Mr. Mobus has not deposited funds on or after May 30, 2017.

Dated: New York, New York
January 19, 2022

ENTER:

A handwritten signature in black ink, appearing to read "J. C. Waltz".

UNITED STATES DISTRICT COURT JUDGE